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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/298,763 04/23/99 WOOD

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026646
KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

TM02/0606

EXAMINER

CHAMPAGNE, D

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

06/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/298,763

Applicant(s)

WOOD ET AL.

Examiner

Donald L. Champagne

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2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-8
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 USC 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 32-37 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At claim 32 line 2, "allow a user to rewards" is indefinite; a verb is missing before "rewards".

Claim Rejections - 35 USC § 102 and 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale *in this country, more than one year prior to the date of application for patent in the United States.*

4. The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-25 and 32-39 are rejected under 35 USC 102(b) as anticipated by Reilly et al.
6. Reilly et al. teaches a computer-implemented method and system for interactively and electronically distributing and redeeming rewards, the method comprising: displaying a *headline* image on a computer screen of a local computer, e.g., 230a in Fig. 6, the image comprising a reward indicator (col. 9 line 65 to col. 10 line 4), wherein the local computer is coupled to a computer network (*Internet 119*, col. 4 line 10); enabling a user to select an image (col. 13 lines 3-6); at a central location 104 coupled to the computer network, determining the identity of the user (col. 14 lines 24 and 50-58); at the central location, allocating to the user information associated with the image and in which the user has

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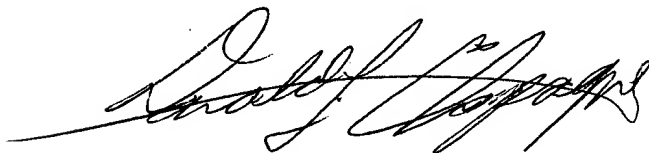
expressed interest (col. 14 line 58 to col. 15 line 4), which reads on allocating to the user a reward; and optionally redirecting the local computer to content associated with the image.

7. Reilly et al. also teaches a profiler (col. 3 lines 15-16), which reads on a cookie; determining if the local computer comprises a datafile (claim 4, col. 14 lines 50-58); providing the local computer with the address of a promoter website (claims 5 and 8, col. 6 lines 5-6), and allowing the user to view information at that website, which reads on redeeming the reward at the promoter website; and updating the data feed, which reads on expiring the redeemed award (claim 9).
8. Claims 26-31 are rejected under 35 USC 103(a) as obvious over Reilly et al.

Reilly et al. does not teach the user device limitations of these claims (ATM, PDA, etc.). Official Notice is taken (MPEP § 2144.03) that these limitations were common at the time of the invention. In addition, Reilly et al. teaches implementing the invention as a screensaver (col. 11 line 40), which would attract users to any user device. Hence it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add these user devices to the reference invention.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Champagne whose telephone number is 703-308-3331. The examiner can normally be reached on Monday-Thursday, 6:30 AM to 5 PM.



Donald L. Champagne
Examiner
Art Unit 2162

4 June 2001